


## REMARKS

Reconsideration of the present application as amended is requested.

In the Office Action mailed October 21, 2005, Claim 1 stands rejected under 35 USC §102(b) for alleged anticipation by U.S. Patent No. 5,823,440 of Clark. Claim 1 has been further amended to require "a valve that prevents over-spinning of the turbine when the pressurized fluid is air or a mixture of water and air *by selectively re-directing the pressurized fluid around the turbine.*" (emphasis added). The sprinkler of Clark discloses a valve 92 having a damping piston 106 which allows the valve to move slowly thereby restricting the rate or velocity of flow of water and/or air into the sprinkler housing. The valve 92 of Clark does not selectively re-direct pressurized fluid around turbine 38. All of the pressurized fluid of Clark passes through turbine 28. Accordingly, withdrawal of the rejection of amended Claim 1 for lack of novelty over Clark is requested. Support for the amendment to Claim 1 is found in the specification on page 6, lines 16-18, and Fig. 3 of the subject application as originally filed.

The present application is believed to be in condition for allowance, and notification to this effect is solicited. No fees other than those submitted herewith are believed to be due at this time. However, any additional fees required may be charged to Deposit Account No. 50-0626.

Respectfully submitted,



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